



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: KSC-BC-2020-06

**The Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli,
Rexhep Selimi, and Jakup Krasniqi**

Before: Trial Panel II

Judge Charles L. Smith III, Presiding Judge

Judge Christoph Barthe

Judge Guénaél Mettraux

Judge Fergal Gaynor, Reserve Judge

Registrar: Fidelma Donlon

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Decision on Periodic Review of Detention of Jakup Krasniqi

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TRIAL PANEL II ("Panel"), pursuant to Article 41(6), (10), and (12) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, and Rules 56(2) and 57(2) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. The procedural background concerning the periodic review of the detention of Jakup Krasniqi ("Mr Krasniqi" or "Accused") has been set out extensively in previous decisions concerning the same issue. Relevant events since the decision on periodic review of detention of Mr Krasniqi issued on 15 May 2026 ("Twenty-Sixth Detention Decision") include those set out below.¹
2. On 23 June 2026, the Specialist Prosecutor's Office ("SPO") filed its submissions on the continued detention of Mr Krasniqi ("SPO Submissions").²
3. On 1 July 2026, the Defence for Mr Krasniqi ("Krasniqi Defence") responded to the SPO Submissions ("Response").³
4. Also on 1 July 2026, the Panel issued an order extending the deadline for the pronouncement of the Trial Judgment and setting the hearing for the pronouncement of the Trial Judgment on Wednesday, 16 September 2026.⁴
5. On 3 July 2016, the SPO replied to the Response ("Reply").⁵

¹ F03738, Panel, *Decision on Periodic Review of Detention of Jakup Krasniqi*, 15 May 2026, confidential, (a public redacted version was filed on the same day, F03738/RED).

² F03750, Specialist Prosecutor, *Prosecution Submission Pertaining to Periodic Detention Review of Jakup Krasniqi*, 23 June 2026, confidential (a public redacted version was filed on the same day, F03750/RED).

³ F03756, Specialist Counsel, *Krasniqi Defence Response to Prosecution Submission Pertaining to Periodic Detention Review of Jakup Krasniqi*, 1 July 2026, confidential.

⁴ F03757, Panel, *Order Extending the Deadline for the Pronouncement of the Trial Judgment and Scheduling the Pronouncement of the Trial Judgment*, 1 July 2026.

⁵ F03761, Specialist Prosecutor, *Prosecution Reply to Krasniqi Defence Response*, 3 July 2026, confidential.

II. SUBMISSIONS

6. The SPO requests the continuation of Mr Krasniqi's detention.⁶ The SPO argues that, since the Twenty-Sixth Detention Decision, there have been no new developments or circumstances that diminish the factors supporting the need for and reasonableness of detention.⁷ To the contrary, the SPO submits that the continued progression of the trial, and related developments, reinforce the necessity and reasonableness of Mr Krasniqi's detention.⁸

7. The Krasniqi Defence requests Mr Krasniqi's provisional release pending the pronouncement of the Trial Judgment for such a period as the Panel considers appropriate and subject to any conditions or measures deemed necessary and sufficient.⁹ The Krasniqi Defence argues that, at this stage of the proceedings, with deliberations entering their fifth month, Mr Krasniqi's continued detention has become increasingly disproportionate to the limited degree of any remaining risk under Article 41(6)(b).¹⁰ In particular, the Krasniqi Defence contends that the SPO does not demonstrate that detention remains strictly necessary, that any residual risk is limited and capable of being addressed through stringent conditions, as Mr Krasniqi is not a flight risk, and that Mr Krasniqi's personal circumstances weigh heavily in favour of release.¹¹

8. The SPO replies that the Response should be rejected and that Mr Krasniqi should remain in detention.¹² The SPO avers that the Panel has recently considered and deemed unpersuasive each of the arguments made in favour of provisional release.¹³

⁶ SPO Submissions, paras 1, 32.

⁷ SPO Submissions, paras 1, 9.

⁸ SPO Submissions, para. 1.

⁹ Response, para. 3.

¹⁰ Response, para. 2.

¹¹ Response, para. 2.

¹² Reply, paras 1, 4.

¹³ Reply, para. 1.

III. APPLICABLE LAW

9. The law applicable to deciding the present matter is set out in Article 41(6), (10), and (12) and Rules 56 and 57 and has been laid out extensively in earlier decisions.¹⁴ The Panel will apply these standards to the present decision.

IV. DISCUSSION

10. The purpose of the bi-monthly review of detention pursuant to Article 41(10) is to determine whether reasons justifying detention still exist.¹⁵ A change in circumstances, while not determinative, shall be taken into consideration if raised before the relevant panel or *proprio motu*.¹⁶

A. ARTICLE 41 CRITERIA

1. Grounded Suspicion

11. Regarding the threshold for continued detention, Article 41(6)(a) requires a grounded suspicion that the detained person has committed a crime within the jurisdiction of the Specialist Chambers ("SC"). This is a condition *sine qua non* for the validity of the detained person's continued detention.¹⁷

12. The SPO argues that, absent any change in circumstances since the decision confirming the indictment and the decision confirming amendments to the

¹⁴ See e.g., F01110, Pre-Trial Judge, *Decision on Periodic Review of Detention of Jakup Krasniqi* ("Sixth Detention Decision"), 18 November 2022, confidential, paras 18-21 (a public redacted version was issued on the same day, F01110/RED).

¹⁵ IA022/F00005, Court of Appeals Panel, *Decision on Hashim Thaçi's Appeal Against Decision on Periodic Review of Detention*, 22 August 2022, confidential, para. 37 (a public redacted version was issued on the same day, IA022/F00005/RED).

¹⁶ IA010/F00008, Court of Appeals Panel, *Decision on Hashim Thaçi's Appeal Against Decision on Review of Detention*, 27 October 2021, confidential, para. 19 (a public redacted version was issued on the same day, IA010/F00008/RED).

¹⁷ See ECtHR, *Merabishvili v. Georgia* [GC], no. 72508/13, [Judgment](#), 28 November 2017, para. 222.

indictment, there remains a grounded suspicion that Mr Krasniqi has committed a crime within the SC's jurisdiction.¹⁸

13. The Panel recalls that the Pre-Trial Judge determined that, pursuant to Article 39(2), there was a well-grounded suspicion that Mr Krasniqi is criminally liable for a number of crimes against humanity (persecution, imprisonment, other inhumane acts, torture, murder and enforced disappearance) and war crimes (arbitrary detention, cruel treatment, torture and murder) under Articles 13, 14(1)(c) and 16(1)(a).¹⁹ Moreover, the Pre-Trial Judge found that a well-grounded suspicion has also been established with regard to new charges brought by the SPO against Mr Krasniqi.²⁰ These findings were made on the basis of a

¹⁸ SPO Submissions, para. 10 (with further references).

¹⁹ F00026, Pre-Trial Judge, *Decision on the Confirmation of the Indictment Against Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi*, 26 October 2020, strictly confidential and *ex parte*, para. 521(a)(i)-(ii). A confidential redacted version (F00026/CONF/RED), a public redacted version (F00026/RED), and a confidential lesser redacted version (F00026/CONF/RED2) were issued, respectively, on 19 November 2020, 30 November 2020, and 21 September 2023. The SPO submitted the confirmed indictment in F00034, Specialist Prosecutor, *Submission of Confirmed Indictment and Related Requests*, 30 October 2020, confidential, with Annex 1, strictly confidential and *ex parte*, and Annexes 2-3, confidential; F00045/A03, Specialist Prosecutor, *Further Redacted Indictment*, 4 November 2020; F00134, Specialist Prosecutor, *Lesser Redacted Version of Redacted Indictment*, KSC-BC-2020-06/F00045/A02, 4 November 2020, 11 December 2020, confidential. A further corrected confirmed indictment was submitted on 3 September 2021, strictly confidential and *ex parte* (F00455/A01), with confidential redacted (F00455/CONF/RED/A01) and public redacted (F00455/RED/A01) versions. On 17 January 2022, the SPO submitted a confidential, corrected, and lesser redacted version of the confirmed indictment, F00647/A01.

²⁰ F00777, Pre-Trial Judge, *Decision on the Confirmation of Amendments to the Indictment*, 22 April 2022, strictly confidential and *ex parte*, para. 183. A confidential redacted version (F00777/CONF/RED), a public redacted version (F00777/RED), a confidential lesser redacted version (F00777/CONF/RED2), and a confidential further lesser redacted version (F00777/CONF/RED3) were issued, respectively, on 22 April 2022, 6 May 2022, 16 May 2022, and 21 September 2023. The requested amendments are detailed at para. 11. A confirmed amended indictment was then filed by the SPO on 29 April 2022, strictly confidential and *ex parte* (F00789/A01), with confidential redacted (F00789/A02) and public redacted (F00789/A05) versions. On 30 September 2022, the SPO submitted a confirmed further amended indictment ("Confirmed Indictment"), confidential (F00999/A01), with a public redacted version (F00999/A03). A public lesser redacted version (F01296/A03) and a public further lesser redacted version (F01323/A01) were filed, respectively, on 15 February 2023 and 27 February 2023.

standard exceeding the grounded suspicion threshold required for the purposes of Article 41(6)(a).²¹

14. Absent any new material circumstances affecting the above findings, the Panel finds that there continues to be a grounded suspicion that Mr Krasniqi has committed crimes within the subject-matter jurisdiction of the SC for the purposes of Article 41(6)(a) and (10).

2. Necessity of Detention

15. With respect to the grounds for continued detention, Article 41(6)(b) sets out three alternative bases (risks) on which detention may be found to be necessary: (i) risk of flight; (ii) risk of obstruction of the proceedings; or (iii) risk of further commission of crimes.²² Detention shall be maintained if there are articulable grounds to believe that one or more of these risks will materialise.²³ “Articulable” in this context means specified in detail by reference to the relevant information or evidence.²⁴ In determining whether any of the grounds provided in Article 41(6)(b) exist, the standard to be applied is less than certainty, but more than a mere possibility of a risk materialising.²⁵

²¹ See e.g. IA008/F00004, Court of Appeals Panel, *Decision on Kadri Veseli’s Appeal Against Decision on Review of Detention*, 1 October 2021, confidential, para. 21 (a public redacted version was issued on the same day, IA008/F00004/RED).

²² Cf. ECtHR, *Buzadji v. the Republic of Moldova* [GC], no. 23755/07, [Judgment](#), 5 July 2016 (“*Buzadji v. the Republic of Moldova* [GC]”), para. 88; ECtHR, *Zohlandt v. the Netherlands*, no. 69491/16, [Judgment](#), 9 February 2021, para. 50; ECtHR, *Grubnyk v. Ukraine*, no. 58444/15, [Judgment](#), 17 September 2020, para. 115; ECtHR, *Korban v. Ukraine*, no. 26744/16, [Judgment](#), 4 July 2019, para. 155.

²³ IA004/F00005, Court of Appeals Panel, *Decision on Hashim Thaçi’s Appeal Against Decision on Interim Release* (“First Appeals Decision on Thaçi’s Detention”), 30 April 2021, confidential, para. 19 (a public redacted version was issued on the same day, IA004/F00005/RED).

²⁴ Article 19.1.31 of the Kosovo Criminal Procedure Code 2022, Law No. 08/L-032 defines “articulable” as: “the party offering the information or evidence must specify in detail the information or evidence being relied upon”.

²⁵ First Appeals Decision on Thaçi’s Detention, para. 22.

a) Risk of Flight

16. The SPO submits that Mr Krasniqi is aware of the scope of the case, including the serious confirmed charges against him and the evidence presented in relation to these charges.²⁶ The SPO argues that this, in combination with the possible imposition of lengthy prison sentence becoming more concrete with the closure of the case and the ongoing deliberations, together with Mr Krasniqi's means to travel and network of support, leads to a sufficiently real possibility that a risk of flight exists with respect to Mr Krasniqi.²⁷

17. The Panel notes that the SPO is putting forward substantially the same arguments that the Panel has already considered and rejected in relation to this issue, namely: (i) Mr Krasniqi's awareness of the seriousness of the confirmed charges against him; (ii) the potential of a long sentence; (iii) the evidence presented against him; (iv) Mr Krasniqi's means to travel; and (v) the closure of the case and the ongoing deliberations.²⁸ In this regard, the Panel recalls the finding of the Court of Appeals Panel that the Pre-Trial Judge should not be expected to entertain submissions that merely repeat arguments that have already been addressed in previous decisions.²⁹ The Panel considers that this principle applies equally to the current stage of the proceedings.

18. The Panel has not found any additional factor sufficiently compelling to affect the previous finding regarding the risk of flight.

²⁶ SPO Submissions, para. 12.

²⁷ SPO Submissions, para. 12.

²⁸ Twenty-Sixth Detention Decision, para. 15. *See also* F03005, Panel, *Decision on Periodic Review of Detention of Jakup Krasniqi* ("Twentieth Detention Decision"), 13 March 2025, para. 13.

²⁹ KSC-BC-2020-04, IA003/F00005, Court of Appeals Panel, *Decision on Pjetër Shala's Appeal Against Decision on Review of Detention*, 11 February 2022, para. 18, holding that a panel may refer to findings in prior decisions if it is satisfied that the evidence or information underpinning those decisions still supports the findings made at the time of the review.

19. The Panel therefore finds that, while the risk of flight can never be completely ruled out, Mr Krasniqi's continued detention may not be justified at this time on the ground of the risk of flight pursuant to Article 41(6)(b)(i).

b) Risk of Obstructing the Progress of SC Proceedings

20. With reference to previous findings by the Panel, the SPO submits that Mr Krasniqi continues to present a risk of obstructing the proceedings.³⁰ The SPO maintains that the closure of the case does not obviate this risk, as Mr Krasniqi now has knowledge of the full scope of the case against him and witnesses remain at risk of obstruction even after their testimony.³¹ To support this, the SPO refers to the Panel's previous finding, confirmed by the Court of Appeals Panel, that the risk of interference also includes any attempt to retaliate against witnesses who have testified in these proceedings and attempts to incentivise a witness to recant.³²

21. Furthermore, the SPO avers that there continues to be a climate of witness intimidation and interference, referring to findings made in various SC cases,³³ which, as held by the Court of Appeals Panel, is a relevant contextual consideration.³⁴ In this respect, the SPO submits that the Panel has recently reaffirmed that the climate of witness intimidation continues to persist and further

³⁰ SPO Submissions, paras 13-17.

³¹ SPO Submissions, para. 13.

³² SPO Submissions, para. 13, referring to Twenty-Sixth Detention Decision, para. 25; IA035/F00005, Court of Appeals Panel, *Decision on Jakup Krasniqi's Appeal Against Consolidated Decision on Request for Provisional Release and on Review of Detention* ("Appeals Decision of Twenty-First Detention Decision"), 13 August 2025, confidential, para. 46, footnote 129 (a public redacted version was issued on 14 August 2025, IA035/F00005).

³³ SPO Submissions, para. 16, referring to KSC-BC-2020-05, F00494/RED3/COR, Trial Panel I, *Further Redacted Version of Corrected Version of Public Redacted Version of Trial Judgment*, 16 December 2022, para. 57; KSC-CA-2022-01, F00114, Court of Appeals Panel, *Appeal Judgment*, 2 February 2023, para. 438; KSC-BC-2020-07, F00611/RED, Trial Panel II, *Public Redacted Version of the Trial Judgment*, 18 May 2022, para. 579; KSC-BC-2020-04, F00847/RED, Trial Panel I, *Public Redacted Version of Trial Judgment and Sentence*, 16 July 2024, paras 96-97.

³⁴ SPO Submissions, para. 16.

argues that the closure of the case and impending judgment has heightened public scrutiny of the case and increased pressure on witnesses.³⁵ In support of this, the SPO notes that suspects indicted for obstructing SC proceedings continue to publicly justify their conduct and that such attacks and comments could endanger the privacy, well-being and security of witnesses.³⁶

22. The Krasniqi Defence responds that Mr Krasniqi does not pose a real and concrete risk under Article 41(6)(b).³⁷ The Krasniqi Defence contends that the SPO's claim that witnesses may remain at risk of obstruction even after their testimony is insufficient to demonstrate any specific risk arising from Mr Krasniqi assessed as an individual, relying instead on unrelated instances of illegal conduct before other international tribunals.³⁸

23. The Krasniqi Defence further argues that the evaluation of the risks should take into consideration the passage of time since the factors allegedly supporting the possibility of the risks materialisation occurred, and the contemporaneous context in which they occurred.³⁹ Moreover, in the Krasniqi Defence's view, the degree of risk posed by Mr Krasniqi should be assessed as low since it is based on isolated and dated examples and since there is no evidence throughout the last five years that Mr Krasniqi has attempted to interfere with the proceedings, improperly influenced witnesses or otherwise engaged in any form of misconduct.⁴⁰

24. The SPO replies that: (i) Article 41(6)(b) does not require a concrete example; (ii) the risk of Mr Krasniqi obstructing the proceedings derives from factors such as his position of influence, access to information and his past behaviour; (iii) the

³⁵ SPO Submissions, para. 17, *referring to* Twenty-Sixth Detention Decision, para. 28.

³⁶ SPO Submission, para. 17, *referring to* 131934-01.

³⁷ Response, para. 13.

³⁸ Response, para. 13.

³⁹ Response, para. 14.

⁴⁰ Response, para. 14.

Panel's *de novo* assessment does not prevent it from relying on a factor it has previously relied upon, provided it still supports the finding; (iv) contextual factors such as the ongoing pervasive climate of witness intimidation are relevant; and (v) Mr Krasniqi's record of compliance is not sufficient to lead to the conclusion that his detention is no longer necessary.⁴¹

25. The Panel calls attention to the standard utilised in assessing the risks under Article 41(6)(b), which does not require a "concrete example" of a situation in which Mr Krasniqi has personally intimidated or harassed a witness.⁴²

26. The Panel has already determined and reiterates that there is a risk of Mr Krasniqi obstructing SC proceedings based on, *inter alia*: (i) his position of influence which, combined with the willingness to obtain access to confidential information inaccessible to the public, allows for the reasonable conclusion that it is possible for Mr Krasniqi to secure access to confidential information related to matters to which he is currently connected; (ii) his public statements criticising the SC; and (iii) the content of a 24 April 2020 Facebook post targeting "collaborators".⁴³ Furthermore, the Court of Appeals has confirmed that: (i) there are indications that Mr Krasniqi is, at least, predisposed to witness intimidation, for reasons earlier stated;⁴⁴ and (ii) in assessing whether there is a risk that Mr Krasniqi will obstruct the proceedings, if released, it was not unreasonable to

⁴¹ Reply, para. 1(a).

⁴² See F01212, Panel, *Decision on Periodic Review of Detention of Jakup Krasniqi* ("Seventh Detention Decision"), para. 23, referring to IA003/F00005, Court of Appeals Panel, *Decision on Rexhep Selimi's Appeal Against Decision on Interim Release* ("First Appeals Decision on Selimi's Detention"), 30 April 2021, confidential, para. 59 (a public redacted version was issued on the same day, IA003/F00005/RED).

⁴³ See e.g., F00801, Pre-Trial Judge, *Decision on Periodic Review of Detention of Jakup Krasniqi* ("Fourth Detention Decision"), 13 May 2022, confidential and *ex parte*, para. 48 (a confidential redacted version, and a public redacted version were issued on 13 and 24 May 2022, F00801/CONF/RED and, F00801/RED, respectively). See also Twenty-Sixth Detention Decision, para. 24.

⁴⁴ IA002/F00005, Court of Appeals Panel, *Decision on Jakup Krasniqi's Appeal Against Decision on Interim Release* ("First Appeals Decision on Krasniqi's Detention"), 30 April 2021, confidential, para. 62 (a public redacted version was issued on the same day, IA002/F00005/RED); IA006/F00005, Court of Appeals Panel, *Decision on Jakup Krasniqi's Appeal Against Decision on Review of Detention* ("Second Appeals Decision on Krasniqi's Detention"), 1 October 2021, confidential, para. 30 (a public redacted version was issued on the same day, IA006/F00005/RED).

take into account, among other factors, Mr Krasniqi's public statements criticising the SC or the Facebook post of 24 April 2020.⁴⁵

27. The Panel recalls its previous finding, confirmed by the Court of Appeals Panel,⁴⁶ that the risk of interference also includes: (i) any attempt to retaliate against witnesses who have testified in these proceedings; and (ii) attempts to incentivise a witness to recant.⁴⁷

28. As previously noted, the names and personal details of certain highly sensitive witnesses have been disclosed to the Krasniqi Defence,⁴⁸ and have therefore become known to a broader range of people, including to Mr Krasniqi. The Panel maintains its view that this, in turn, increases the risk of sensitive information pertaining to witnesses becoming known to members of the public.⁴⁹ In this context, regardless of the current stage of this case, the release of an accused with sensitive information in his possession would not be conducive to the effective protection of witnesses.⁵⁰

29. With respect to the Krasniqi's Defence arguments that any potential risks should take into account the passage of time and that the degree of risk posed by Mr Krasniqi should be assessed as low because it is based on isolated and dated examples,⁵¹ the Panel considers that the passage of time is relevant to the risk assessment but is not determinative. Rather, the Panel conducts an assessment of the specific circumstances in each case at the time relevant to its decision. Further,

⁴⁵ First Appeals Decision on Krasniqi's Detention, para. 50; Appeals Decision of Twenty-First Detention Decision, para. 29.

⁴⁶ Appeals Decision of Twenty-First Detention Decision, paras 31-34, 46, footnote 129.

⁴⁷ Twenty-Sixth Detention Decision, para. 25; F03176, Panel, *Consolidated Decision on Krasniqi Defence Request for Provisional Release and on Periodic Review of Detention of Jakup Krasniqi* ("Twenty-First Detention Decision"), 13 May 2025, confidential, para. 41 (a corrected version was filed on 14 May 2025, F03176/COR; a further corrected version and a public redacted version of the further corrected version were filed on 11 June 2025, F03176/COR2 and F03176/COR2/RED, respectively).

⁴⁸ See Twenty-Sixth Detention Decision, para. 26.

⁴⁹ F02059, Panel, *Decision on Periodic Review of Detention of Jakup Krasniqi*, 15 January 2024, para. 25.

⁵⁰ Twenty-Sixth Detention Decision, para. 26.

⁵¹ Response, para. 14.

as held by the Court of Appeals Panel “nothing prevents a trial panel from relying on a factor that it previously relied upon, regardless of when the evidence underpinning this factor was first presented, as long as it is persuaded that the evidence, at the time of the decision, remains sufficient to justify the finding in question”.⁵² In the present circumstances, the Panel considers that the passage of time alone does not impact the relevance, weight or importance of the above-mentioned factors and circumstances.

30. The Panel reiterates that it is adjudicating this matter against a background of indications that a general climate of witness interference persists in Kosovo regarding this case and others before the SC.⁵³ A climate which the WPSO recently confirmed, at a minimum, still persists in Kosovo.⁵⁴ In this respect, the Panel notes the recent public statements made about witnesses before the SC.⁵⁵ This climate, as the Court of Appeals Panel confirmed, is a relevant consideration for the purpose of assessing the existence of a risk under Article 41(6)(b)(ii).⁵⁶

31. The Panel notes the Krasniqi Defence’s arguments that there is no evidence whatsoever throughout the last five years that Mr Krasniqi has attempted to interfere with proceedings, improperly influenced witnesses or otherwise engaged in any other form of misconduct.⁵⁷ In this respect, the Panel notes that the fact that there has been no incidents regarding Mr Krasniqi in the controlled environment of the Detention Facilities is not sufficient on its own to lead to the

⁵² Appeals Decision of Twenty-First Detention Decision, para. 28.

⁵³ See Twenty-Sixth Detention Decision, para. 28. See also Twenty-First Detention Decision, para. 42.

⁵⁴ F03697/A01, Registrar, *Annex 1 to Registrar’s and WPSO’s Submissions*, 13 March 2026, strictly confidential and *ex parte*, p. 2. A strictly confidential redacted version was filed on 17 March 2026, see F03702/A01, Registrar, *Annex 1 to Submission of Redacted Version of F03697/A01 and Request for Reclassification of F03697 and F03697/A02*, 17 March 2026, strictly confidential.

⁵⁵ See 131934-01.

⁵⁶ Appeals Decision of Twenty-First Detention Decision, para. 30.

⁵⁷ Response, para. 14.

conclusion that his detention is no longer necessary since refraining from prohibited conduct should be the norm and is expected.⁵⁸

32. Lastly, the Panel does not consider that the extension of the deadline for the pronouncement of the Trial Judgement is a change of circumstances that significantly lowers this risk or materially affects the necessity of continued detention.

33. Accordingly, the Panel concludes that, taking all factors together, the risk that Mr Krasniqi will obstruct the progress of SC proceedings, as set out in Article 41(6)(b)(ii), continues to exist.

c) Risk of Committing Further Crimes

34. With reference to the Panel's findings in the Twenty-Sixth Detention Decision, the SPO submits that Mr Krasniqi continues to present a risk of committing further crimes.⁵⁹ In particular, the SPO contends that the same factors that support a risk of obstruction are relevant to the analysis of the risk of committing further crimes and that no new circumstances have arisen since the last detention review.⁶⁰ Moreover, according to the SPO, the Panel's conclusion that the continuing disclosure of sensitive information presented an unacceptable risk of the commission of further crimes applies even more forcefully given the closure of the case.⁶¹

35. The Panel recalls its finding in the Twenty-Sixth Detention Decision that the risk of Mr Krasniqi committing further crimes continues to exist.⁶² The Panel finds that the same considerations and factors that were taken into account in relation

⁵⁸ Appeals Decision of Twenty-First Detention Decision, para. 27.

⁵⁹ SPO Submissions, paras 19-22.

⁶⁰ SPO Submissions, para. 20.

⁶¹ SPO Submissions, para. 22.

⁶² Twenty-Sixth Detention Decision, para. 34.

to the risk of obstruction are relevant to the analysis of the risk of Mr Krasniqi committing further crimes.⁶³ In light of those, the Panel considers that no new circumstances have arisen since the last detention review that would justify a different finding in respect of this matter.

36. The Panel considers that, taking all factors together, there continues to be a risk that Mr Krasniqi will commit further crimes as set out in Article 41(6)(b)(iii).

3. Conclusion

37. The Panel concludes that, at this time, there continues to be insufficient information before it, justifying a finding that Mr Krasniqi may abscond from justice. However, the Panel is satisfied, based on the relevant standard, that there continues to be a risk that Mr Krasniqi will obstruct the progress of SC proceedings and a risk that he will commit further crimes against those perceived as being opposed to the Kosovo Liberation Army, including witnesses who provided evidence in the case.

38. The Panel will assess below whether these risks can be adequately addressed by any conditions for Mr Krasniqi's release.

B. MEASURES ALTERNATIVE TO DETENTION

39. The SPO submits, with reference to the Panel's previous findings, that: (i) the risks pursuant to Article 41(6)(b) can only be effectively managed at the SC detention facilities ("SC Detention Facilities"); (ii) nothing has occurred since the Twenty-Sixth Detention Decision warranting a different assessment on conditions, either generally or for a discrete period of time; and (iii) especially at such a critical phase of trial, the underlying risks continue.⁶⁴

⁶³ See *above*, paras 25-33. See also Twenty-Sixth Detention Decision, paras 23-31.

⁶⁴ SPO Submissions, paras 23-27.

40. The Krasniqi Defence responds that Mr Krasniqi can be provisionally released pending the Trial Judgement subject to any stringent conditions or measures the Panel deems necessary and sufficient to mitigate potential risks posed by Mr Krasniqi, which do not need to be eliminated.⁶⁵ The Krasniqi Defence also asserts that Mr Krasniqi and his family undertake to fully comply with, and respect, any such measures.⁶⁶ In this respect, the Krasniqi Defence reiterates the guarantees provided by the Kosovo Police.⁶⁷

41. The SPO replies that guarantees provided by the Kosovo Police have been considered and deemed insufficient by the Panel on several occasions, including in a recent detention decision.⁶⁸

42. When deciding on whether a person should be released or detained, the Panel must consider alternative measures to prevent the risks in Article 41(6)(b).⁶⁹ Article 41(12) sets out a number of options, including home detention, to be considered in order to ensure the accused's presence at trial, to prevent reoffending or to ensure successful conduct of proceedings. In this respect, the Panel recalls that detention should only be continued if there are no alternative, more lenient measures reasonably available that could sufficiently mitigate the risks set out in Article 41(6)(b).⁷⁰ The Panel must therefore consider all reasonable

⁶⁵ Response, paras 2, 3, 12, 15.

⁶⁶ Response, para. 12.

⁶⁷ Response, para. 18, referring to F03086/A03, Specialist Counsel, *Annex 3 to Krasniqi Defence Request for Provisional Release*, 4 April 2025, confidential.

⁶⁸ Reply, para. 1(c), referring to F03698, Panel, *Decision on Periodic Review of Detention of Jakup Krasniqi* ("Twenty-Fifth Detention Decision"), 16 March 2026, para. 50; *Twenty-Sixth Detention Decision*, paras 39-42.

⁶⁹ As regards the obligation to consider "alternative measures", see KSC-CC-PR-2017-01, F00004, Specialist Chamber of the Constitutional Court, *Judgment on the Referral of the Rules of Procedure and Evidence Adopted by Plenary on 17 March 2017 to the Specialist Chamber of the Constitutional Court Pursuant to Article 19(5) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office* ("SCCC 26 April 2017 Judgment"), 26 April 2017, para. 114. See also ECtHR, *Buzadji v. the Republic of Moldova* [GC], para. 87 *in fine*; ECtHR, *Idalov v. Russia* [GC], no. 5826/03, *Judgment*, 22 May 2012 ("*Idalov v. Russia* [GC]"), para. 140 *in fine*.

⁷⁰ SCCC 26 April 2017 Judgment, para. 114; KSC-CC-PR-2020-09, F00006, Specialist Chamber of the Constitutional Court, *Judgment on the Referral of Amendments to the Rules of Procedure and Evidence Adopted*

alternative measures that could be imposed and not only those raised by the Krasniqi Defence or the SPO.⁷¹

43. Regarding the risk of obstructing the progress of SC proceedings and commission of further crimes, the Panel has repeatedly found that none of the alternative measures specified in Article 41(12), nor any additional measures ordered *proprio motu*, could sufficiently mitigate the risk that Mr Krasniqi may obstruct the proceedings or commit a further crime, if released.

44. With respect to the guarantees previously provided by the Kosovo Police,⁷² the Panel has already given full consideration to those and maintains its view that the information and undertakings provided by the Kosovo Police do not adequately address the risk associated with the possible leak of information about protected witnesses.⁷³ The Panel notes and reiterates, in particular, that the Kosovo Police do not and cannot have access to all relevant information pertaining to witnesses and others at risk and as such, they are not in a position to clearly and effectively evaluate the risks involved and to ensure a degree of protection comparable to that provided at the SC Detention Facilities.⁷⁴

45. The Panel maintains its view that none of the previously proposed conditions, including: (i) a prohibition from making any public statements; (ii) limited access to communication devices and the internet; (iii) limited access to visitors; and (iv) monitoring of communications,⁷⁵ nor any additional measures foreseen in

by the Plenary on 29 and 30 April 2020, 22 May 2020, para. 70. See also ECtHR, [Idalov v. Russia \[GC\]](#), para. 140 *in fine*.

⁷¹ First Appeals Decision on Selimi's Detention, para. 86; KSC-BC-2020-05, F00127, Trial Panel I, *Fourth Decision on Review of Detention*, 25 May 2021, para. 24.

⁷² F03086/A03, Specialist Counsel, *Annex 3 to Krasniqi Defence Request for Provisional Release*, 4 April 2025, confidential.

⁷³ Twenty-First Detention Decision, para. 60.

⁷⁴ Twenty-Fifth Detention Decision, para. 50; Twenty-First Detention Decision, para. 61.

⁷⁵ Twenty-Sixth Detention Decision, para. 40; Twenty-First Detention Decision, para. 60; F02445, Panel, *Decision on Periodic Review of Detention of Jakup Krasniqi* ("Sixteenth Detention Decision"), 15 July 2024, paras 33-35.

Article 41(12), ordered *proprio motu*, could to a degree comparable to that of detention at the SC Detention Facilities mitigate the existing risks with respect to Mr Krasniqi.⁷⁶

46. In particular, the Panel maintains its view that it is only through the communication monitoring framework applicable at the SC Detention Facilities that Mr Krasniqi's communications can be restricted in a manner that would sufficiently mitigate the risks of obstruction and commission of further crimes.⁷⁷ The measures in place at the SC Detention Facilities, and the staff of the Registrar, viewed as a whole, provide robust assurances against the risks associated with unmonitored visits and communications with family members and pre-approved visitors with a view to minimising the risks of obstruction and commission of further crimes.⁷⁸ Moreover, they offer a controlled environment where a potential breach of confidentiality could be more easily identified and prevented.⁷⁹

47. In light of the foregoing, the Panel finds that the risks of obstructing the proceedings and committing further offences can only be effectively managed at this stage of the proceedings if Mr Krasniqi remains at the SC Detention Facilities. In these circumstances, the Panel finds that there are no alternatives to Mr Krasniqi's continued detention capable of adequately averting the risks in Article 41(6)(b)(ii) and (iii).

C. REASONABLENESS OF DETENTION

48. The SPO argues that, taking all factors into consideration, Mr Krasniqi's detention remains proportional.⁸⁰ To that end, the SPO refers to the Panel's

⁷⁶ Twenty-Sixth Detention Decision, para. 40; Twenty-First Detention Decision, paras 56-64.

⁷⁷ Twenty-First Detention Decision, para. 63.

⁷⁸ Twenty-First Detention Decision, para. 61.

⁷⁹ Twenty-First Detention Decision, para. 61.

⁸⁰ SPO Submissions, paras 28-30.

previous findings that: (i) Mr Krasniqi is charged with ten counts of serious international crimes in which he is alleged to play a significant role; (ii) if convicted, he could face a lengthy sentence; (iii) the continuing risks under Article 41(6)(b)(ii) and (iii) cannot be sufficiently mitigated by the application of reasonable alternative measures; (iv) the case against Mr Krasniqi is complex; and (v) a climate of witness intimidation exists.⁸¹

49. The Krasniqi Defence responds that Mr Krasniqi is in his seventies and has been detained for five years and eight months, separated from his family and his home and endured physically and mentally exhausting proceedings.⁸² Specifically, the Krasniqi Defence contends that, since January 2024, Mr Krasniqi's contact with his family and friends has been confined to a fixed and restrictive distribution of visit days within each month, rather than being arranged in a manner that permits regular and meaningful contact throughout the months.⁸³ The Krasniqi Defence adds that arranging these visits in the Netherlands requires logistical efforts for Mr Krasniqi and his visitors and takes an additional emotional toll.⁸⁴

50. The SPO replies that the Panel, while acknowledging that the length of detention is a factor that can weigh against continued detention, has consistently found in all of the circumstances that Mr Krasniqi's detention remains proportionate and reasonable taking into account the unacceptably high risk of obstructing proceedings and further offending, which cannot be sufficiently mitigated by any conditions of provisional release.⁸⁵

51. The Panel is cognisant that the duration of time in detention is a factor that needs to be considered, along with the degree of the risks described in Article 41(6)(b), in order to determine whether, all factors being considered, the

⁸¹ SPO Submissions, para. 29.

⁸² Response, para. 16.

⁸³ Response, para. 17.

⁸⁴ Response, para. 17.

⁸⁵ Reply, para. 2.

continued detention “stops being reasonable” and the individual needs to be released.⁸⁶

52. The Panel recalls and reiterates the special features in this case, namely that: (i) Mr Krasniqi is charged with ten counts of serious international crimes in which he is alleged to play a significant role;⁸⁷ (ii) if convicted, Mr Krasniqi could face a lengthy sentence; (iii) the continuing risks under Article 41(6)(b)(ii) and (iii) cannot be sufficiently mitigated by the application of reasonable alternative measures;⁸⁸ (iv) the case against Mr Krasniqi is complex;⁸⁹ and (v) the climate of witness intimidation outlined above continues to exist.

53. The Panel is mindful that age is among the factors to be considered under Article 3 of the European Convention on Human Rights and Fundamental Freedoms in assessing a person’s suitability for detention.⁹⁰ The Panel is satisfied, however, that Mr Krasniqi’s health and well-being are currently adequately secured in the SC Detention Facilities and that Mr Krasniqi’s age does not render his detention unreasonable.

54. In addition, with respect to the Krasniqi Defence’s argument that being separated from his family and home, and the necessary travel arrangements, place a considerable physical and mental burden on Mr Krasniqi and his family, the Panel recalls its finding that Mr Krasniqi’s right to family life is inherently limited to a certain extent by detention, but all reasonable steps, consistent with international human rights law and internationally accepted standards for the

⁸⁶ Seventh Detention Decision, para. 43, *referring to* First Appeals Decision on Krasniqi’s Detention, para. 69.

⁸⁷ Confirmed Indictment, paras 10-12, 32, 39-40, 44, 49, 53, 55-57, 176-177.

⁸⁸ *See above*, paras 42-47.

⁸⁹ *See e.g.*, Fifth Detention Decision, para. 58; Fourth Detention Decision, para. 81; Sixth Detention Decision, para. 59.

⁹⁰ *See also* Sixteenth Detention Decision, para. 47, F00978; Pre-Trial Judge, *Decision on Periodic Review of Detention of Jakup Krasniqi* (“Fifth Detention Decision”), 19 September 2022, confidential, para. 62 (a public redacted version was issued on 23 September 2022, F00978/RED); Fourth Detention Decision, para. 83; ECtHR, *Mouisel v. France*, no. 67263/01, [Judgment](#), 14 November 2002, para. 38.

treatment of persons deprived of their liberty, are being taken to reduce the impact of detention upon Mr Krasniqi's right to family life.⁹¹

55. Lastly, taking all the above factors into account, the Panel does not consider that the extension of the deadline for the pronouncement of the Trial Judgement is a factor that causes Mr Krasniqi's continued detention to cease to be reasonable.

56. In light of the above, the Panel therefore finds that Mr Krasniqi's detention for a further two months is necessary and reasonable in the specific circumstances of the case. The Panel acknowledges that Mr Krasniqi has already been in detention for a significant period of time, and that the trial in this case is lengthy. As the Panel previously indicated,⁹² this will require the Panel to be particularly mindful of the need to ensure that the proceedings proceed as expeditiously as possible. The Panel will continue to monitor at every stage in these proceedings whether continued detention is necessary and reasonable.

V. CLASSIFICATION

57. The Panel notes that the Response and the Reply were filed confidentially pursuant to Rule 82(4) and that the Krasniqi Defence and the SPO do not object to their reclassification as public.⁹³ Accordingly, the Panel instructs the Registry to reclassify the Response and Reply as public by no later than **Thursday, 23 July 2026**.

⁹¹ See Sixteenth Detention Decision, para. 46; Twenty-First Detention Decision, para. 69.

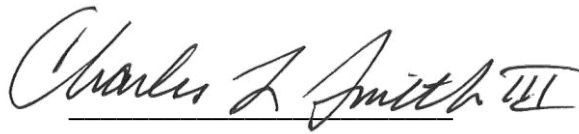
⁹² See e.g., F02313, Panel, *Decision on Periodic Review of Detention of Jakup Krasniqi*, 15 May 2024, para. 40; Twenty-Sixth Detention Decision, para. 48.

⁹³ Response, para. 11; Reply, para. 3.

VI. DISPOSITION

58. For the above-mentioned reasons, the Panel hereby:

- a) **ORDERS** Mr Krasniqi's continued detention;
- b) **DENIES** the Krasniqi Defence's request for provisional release;
- c) **INSTRUCTS** the Registry to reclassify the Response and Reply as public by no later than **Thursday, 23 July 2026**; and
- d) **ORDERS** the SPO to file submissions on the next review of Mr Krasniqi's detention by no later than **Friday, 21 August 2026 (at 16:00 hours)**, with subsequent written submissions following the timelines set out in Rule 76.



Judge Charles L. Smith, III

Presiding Judge

Dated this Wednesday, 15 July 2026

At The Hague, the Netherlands.